

Applicant: H. Kinemura
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REMARKS

Applicant appreciates the Examiner's thorough examination of the subject application and requests reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-13 are pending in the subject application.

Claims 1-13 stand rejected under 35 U.S.C. §103.

Claims 1-13 were canceled in the instant amendment without prejudice to prosecuting them in a continuing application. In view of the cancellation of the rejected claims, Applicant does not believe that the rejection under 35 U.S.C. §103 need be addressed further herein.

Claims 14-17 are added in the foregoing amendment. The amendments to the claims are supported by the originally filed disclosure (e.g., see Fig. 4). Applicant would note that in the interests of advancing prosecution, claims 1-13 were cancelled and claims 14-17 were added as these added claims correspond to the allowed claims of a corresponding foreign counterpart application.

CLAIMS 14-17

As indicated above, new claims 14-17 were added to more distinctly claim embodiments/aspects of the present invention. These new claims are clearly supported by the originally filed disclosure, including the originally filed claims (e.g., see Fig. 4 and the discussion related thereto for the subject application). It also is respectfully submitted that these added claims are patentable

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over the cited prior art on which the above-described rejection(s) are based. As also indicated herein, the added claims correspond to the allowed claims of a corresponding foreign counterpart application.

Applicant also makes the following observations as to the added claims and the cited art. As indicated herein, the structure of the cable modem of new claim 14 includes/embodies the functions and control procedures as illustrated in Fig. 4 of the subject application. It is respectfully submitted that the combination of Koperda [USP 5,790,806], Ollikainen at al. [USP 6,377,981] in combination with either of Jones et al. [USP 6,469,681] or Naiff [USP 5,982,363] does not contain any disclosures or teachings of a cable modem having a structure that embodies the functions and control procedures as shown in Fig. 4. As such, Applicant respectfully submits that the added claims are distinguishable from the cited combination of references.

Notwithstanding the foregoing, as to the combination of Koperda [USP 5,790,806], Ollikainen at al. [USP 6,377,981] and Jones et al. [USP 6,469,681] Applicant also would note that Jones et al. is not a proper prior art reference for rejecting the claims of the subject application. Jones et al. has a filing date of October 12, 1999. The subject application claims priority to a Japanese patent application under 35 U.S.C. §119, which Japanese application has a filing date of August 5, 1999. As such, the effective filing date of the subject application (*i.e.*, August 5, 1999) is earlier than the filing date of the Jones et al. reference. As Applicant previously submitted the certified copy of this Japanese priority document in connection with the subject application, withdrawal of the rejection based on the combination Koperda, Ollikainen at al. and Jones et al. is

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respectfully requested.

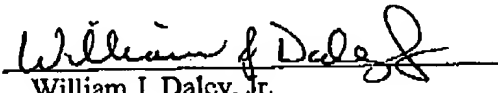
It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Although claims were added to the subject application, Applicant believes that additional fees are not required. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,
Edwards & Angell, LLP

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By:



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